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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,155	03/19/2004	Christopher D. Russo	81207/7114	8639
37123	7590	01/10/2006	EXAMINER	
FITCH EVEN TABIN & FLANNERY 120 SOUTH LASALLE SUITE 1600 CHICAGO, IL 60603			WRIGHT, INGRID D	
			ART UNIT	PAPER NUMBER
			2835	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,155

Applicant(s)

RUSSO, CHRISTOPHER D.

Examiner

Ingrid Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1,8 & 15 are objected to because it is unclear by what the applicant means as "complementary shape that includes an empty volume."
2. Claim 13 & 14 are objected to because dependent apparatus claims 13 & 14 depend on an independent method claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8-10,12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Treiber et al. US 2003/0011976 A1.

With respect to claim 8, as best understood, Treiber et al. teaches (see, fig. 4) an apparatus comprising: a first computer chassis (10); and a second computer chassis (100) joined to the first computer chassis (10) wherein the first computer chassis (10) and the second computer chassis (100) are formed into a complementary shape that includes an empty volume and a non-empty volume wherein the empty volume of the first computer chassis (10) receives at least a portion of the non-empty volume of the second computer chassis (100).

With respect to claim 9, Treiber et al. teaches a first computer chassis (100) and a second computer chassis (100) joined by nesting the first computer chassis (10) and the second computer chassis (100) in a single compartment (11A) of a pallet layout (lower surface of main the chassis (10)).

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With respect to claim 10, Treiber et al. teaches a first computer chassis (10) and second computer chassis (100) are arranged in a single compartment of a pallet layout to increase shipping density of a pallet layout.

With respect to claim 12, Treiber et al. teaches a fastener (see, col. 10, lines 49-67 & col. 11, lines 1-17) for fastening the first computer chassis (10) to the second computer chassis (see, Abstract).

With respect to claim 13, Treiber et al. teaches multiple pairs of joined first chassis (10) and second computer chassis (100) arranged in a single compartment (10) of a pallet layout to increase shipping density of the pallet layout.

With respect to claim 14, Treiber et al. teaches a first computer chassis (10) and a second computer chassis (100), which are formed into an identical complementary shape. shipping density of the pallet layout.

Regarding the method claim 15, as best understood, the method steps method comprising steps of: (a) a first chassis (10) and second computer chassis (100) formed into a complementary shape wherein the complementary shape includes an empty volume and a non-empty volume; (b) the first chassis (10) and second computer chassis (100) joined so that the empty volume of the first computer chassis (10) receives at least a portion of the non-empty volume of the second computer chassis (see, Abstract); and (c) the first and second computer chassis (100) arranged in a single chassis compartment of a pallet layout wherein a rectangular volume of the first chassis (10) and second computer chassis (100) is less than twice a rectangular volume of a single computer chassis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Treiber et al. US 6324062 B1 in view of Murphy US 5159528.

With respect to claim 11, Treiber et al. teaches, in regards to all the limitations of claim 8 above, a first chassis (10) and second chassis (100).

Treiber et al. lacks a number of pre-assembled components assembled in the non-empty volume of at least one of the first computer chassis and the second computer chassis.

Murphy teaches a number of pre-assembled components assembled in the non-empty volume of at least a computer chassis.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a number of pre-assembled components assembled in the non-empty volume of at least a second computer chassis as taught by Murphy, in the invention of Treiber et al., in order to provide a modular design that allows for more efficient manufacturing and handling (see, Abstract of Murphy).

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treiber et al. US 6324062 B1 in view of Murphy US 5159528.

Regarding the method claims 1-7, as best understood, the method steps recited in the claims are necessitated by the device structure as taught by Treiber et al. Treiber et al. disclosed a first computer chassis and second computer chassis (see, Abstract) formed into a complementary shape wherein the complementary shape includes an empty volume and a non-empty volume; and (b) joining the first computer chassis (10) and second computer chassis (see, Abstract) so that the empty volume of the first computer chassis (10) receives at least a

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portion of the non-empty volume of the second computer chassis (100), wherein the first computer chassis (10) and the second computer chassis (100) are nested in a single compartment of a pallet layout, wherein the joined first chassis (10) and second computer chassis (100) are joined in a single compartment of a pallet layout to increase shipping density of a pallet layout, and Murphy disclosed a number of pre-assembled components in the non-empty volume of at least one of the first computer chassis (10) and the second computer chassis (100), wherein the first computer chassis (10) to the second computer chassis (see, Abstract), wherein multiple pairs of the joined first chassis (10) and second computer chassis (100) in a single compartment of a pallet layout to increase shipping density of the pallet layout.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Okura et al. US 4826384, Jelinger US 5768097, Wong et al. US 5136468 & Hardt et al. US 20050111200 A1 show the state of the art regarding modular computer configurations.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 LYNN FEILD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800